



Civil Rights Division

TCH:RSB:RPL:JLM:ZB:AAO:maf

DJ 166-012-3

2011-2775

2011-5073

2011-5552

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

January 9, 2012

Elizabeth Hanshaw Winn, Esq.
Interim Director of Elections
Secretary of State's Office
P.O. Box 12060
Austin, Texas 78711-2060

Dear Ms. Winn:

This refers to 1 Tex. Admin. Code Section 81.71, which provides the substantially similar names standards for election officials relating to Chapter 123 (S.B. 14) (2011); and the amendments to 1 Tex. Admin. Code Sections 81.172, 81.173, and 81.174, which provide provisional voting procedures to implement Chapter 123 (S.B. 14) (2011), for the State of Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submissions on November 8 and December 1, 2011; additional information was received on November 14, 2011.

We note that the proposed changes provided in Sections 81.71, 81.172, 81.173, and 81.174 of the Texas Administrative Code are directly related to the proposed changes found in Chapter 123 (S.B. 14) (2011). Accordingly, it would be inappropriate for the Attorney General to make a determination on the instant changes until the Section 5 review of Chapter 123 is completed. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.22(b). Changes that affect voting are legally unenforceable unless and until the appropriate Section 5 determination has been obtained. *Clark v. Roemer*, 500 U.S. 646 (1991); 28 C.F.R. 51.10.

We note also that the state's response to our November 16, 2011, letter (copy enclosed), which followed our September 23, 2011, request for additional information concerning portions of Chapter 123 (S.B. 14) (2011), remains outstanding. The sixty-day period for the review of Chapter 123 will begin when we receive the information specified in our November 16, 2011, letter.

Sincerely,

T. Christian Herren, Jr.
Chief, Voting Section

Enclosure

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